

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FULTON PARK UNIT OWNERS'
ASSOCIATION et al.,

Plaintiffs,

vs.

PN II, Inc. et al.,

Defendants.

2:11-cv-00783-RCJ-CWH

ORDER

This removed class action arises out of the installation in new homes of allegedly defective high-zinc-content brass (“yellow brass”) plumbing fittings. Pending before the Court are three motions to dismiss, a motion to certify class, a motion to stay class certification, and three motions to strike. For the reasons given herein, the Court denies all pending motions without prejudice, consolidates the present three consolidated cases into the *Slaughter* case, with *Slaughter* as the lead case, and stays the cases pending the Ninth Circuit’s merits ruling in *Slaughter*.¹ The Ninth Circuit is scheduled to hear oral argument in *Slaughter* on December 7, 2011, and its ruling will dispositively affect all of the consolidated cases.

The Court recently granted Plaintiffs’ motion to consolidate two similar removed class actions with the present case. First, Case No. 2:11-cv-00812 (*Dakota Condominium Association v. Uponor, Inc.*), previously pending before Judge Roger L. Hunt, was filed by the same

¹Ninth Circuit Case No. 10-15439 is the appeal of the merits rulings, and Ninth Circuit Case No. 10-17844 is the appeal of the award of attorneys’ fees.

attorneys as the present case, is brought against most of the same Defendants, and alleges the same factual background and theories of relief. Second, Case No. 2:11-cv-00830 (*Wolinsky v. Carina Corp.*), which was already before this Court, was filed by the same attorneys as the present case, alleges the same factual background and similar theories of relief, but is brought against a different Defendant. The Court has already made substantial rulings in another substantially similar case, Case No. 2:08-cv-01223 (*Slaughter v. Uponor, Inc.*), which case also has many of the same attorneys as the present case, is based upon the same factual background and theories of relief, is brought against many of the same Defendants, and which is on appeal before the Ninth Circuit.

Essentially, the four cases, and probably others of which the Court is not yet aware, are largely duplicative of one another and should all be consolidated. A summary of the four related cases follows. All of the cases concern the same class allegations and theories of relief arising out of defective yellow brass plumbing fittings in Clark County, Nevada.

<u>Case</u>	<u>Plaintiff Firms</u>	<u>Defendants</u>
<i>Slaughter</i>	Harrison, Kemp, Jones & Coulthard Lynch, Hopper & Salzano Kemp, Jones & Coulthard Maddox & Associates Canepa Riedy & Rubino Bailey Kennedy Wolf, Rifkin, Shapiro, Schulman & Rabkin Harrison, Kemp & Jones Carraway & Associates Smith Law Office	Uponor, Inc. Uponor North America, Inc. RCR Plumbing Interstate Plumbing United Plumbing Ferguson Enterprises Hughes Water & Sewer Standard Wholesale Supply HD Supply Uponor Corp. Uponor Group
<i>Fulton Park</i>	Lynch, Hopper & Salzano Harrison, Kemp & Jones Carraway & Associates Maddox & Associates Canepa Riedy & Rubino Harrison, Kemp, Jones & Coulthard	PN II, Inc. d/b/a Pulte Homes D.R. Horton, Inc. Wirsbo Co. Uponor, Inc. Uponor North America, Inc. Uponor Corp. Uponor Wirsbo Co.

Dakota Lynch, Hopper & Salzano
Harrison, Kemp & Jones
Carraway & Associates
Maddox & Associates
Canepa Riedy & Rubino
Harrison, Kemp, Jones & Coulthard
Kemp, Jones & Coulthard
Uponor, Inc.
Uponor North America, Inc.
Uponor Corp.
Uponor Wirsbo Co.
Wirsbo Co.

Wolinsky Lynch, Hopper & Salzano
Harrison, Kemp & Jones
Carraway & Associates
Kemp, Jones & Coulthard
Canepa Riedy & Rubino
Maddox & Associates
Carina Corp.

CONCLUSION

IT IS HEREBY ORDERED that all pending motions are DENIED without prejudice.

IT IS FURTHER ORDERED that Case Nos. 2:11-cv-00783, 2:11-cv-00812, and 2:11-cv-00830 are CONSOLIDATED into Case No. 2:08-cv-01223, with Case No. 2:08-cv-01223 as the lead case. The Clerk shall enter this order into the dockets of all four cases.


IT IS FURTHER ORDERED that all four consolidated cases are STAYED pending the opinion and mandate in Ninth Circuit Case No. 10-15439.

IT IS FURTHER ORDERED that counsel shall file a notice in the *Slaughter* docket whenever another substantially similar case is filed in or removed to a court of this District.

IT IS FURTHER ORDERED that the hearing set for November 8, 2011 is VACATED.

IT IS SO ORDERED.

Dated this 21st day of October, 2011.



ROBERT C. JONES
United States District Judge